

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

JOSEPH MARTIN, III, #21810

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:07cv158-MTP

BRIAN SEYFARTH

DEFENDANT

**ORDER ON MOTIONS**

THIS MATTER is before the court on two motions filed by defendant: motion to determine sufficiency of plaintiff's responses to defendant's requests for admission [42] and motion to compel [43]. Having considered the motions and the entire record in this matter, the court finds and orders as follows:

1. Defendant's motion to determine sufficiency of plaintiff's responses to defendant's requests for admission [42] is denied. Defendant objects to plaintiff's responses to Requests 4, 13 and 14, and asks this court to either deem these requests admitted, or order plaintiff to serve amended answers. Having reviewed plaintiff's responses to defendant's requests for admission, the court finds that this motion is not well taken. The requests to which the objectionable responses were given primarily call for legal conclusions on the part of the plaintiff, a *pro se* litigant who is not an attorney. Moreover, it appears that plaintiff has attempted to answer these requests to the best of his ability, and the court finds his responses to be sufficient. Accordingly, defendant's motion is denied.

2. Defendant's motion to compel [43] is granted. Defendant objects to plaintiff's responses to Interrogatories 9 and 10, and the court finds that defendant's objections are well-taken. Plaintiff shall serve amended responses to these Interrogatories within fifteen (15) days of the date of this Order, and shall respond completely to Interrogatories 9 and 10. Specifically, in

his response to Interrogatory 9, plaintiff shall “describe all illnesses, injuries and disabilities which pre-existed or which were aggravated, worsened or affected by the incident in question...”, not just those existing “immediately prior” to the injuries sustained in the accident. Similarly, in his response to Interrogatory 10, plaintiff shall “identify each and every one of [his] hospitalizations prior to the date of the accident in question...”, not just “prior hospitalizations immediately prior to this accident.”

SO ORDERED and ADJUDGED this the 22nd day of May, 2008.

s/ Michael T. Parker

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United States Magistrate Judge